

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JONATHAN R. MILLER, ESQ.,
Plaintiff,

v.

BREM MOLDOVSKY, ESQ.,
BREM MOLDOVSKY, LLC, and
GERALD J. POMERANTZ, ESQ.,
Defendants.

Case No. 2:21-cv-02219-ER

MOTION TO DISMISS COUNTERCLAIMS

BREM MOLDOVSKY, ESQ., and
BREM MOLDOVSKY, LLC,
Counterclaimants and Third
Party Plaintiffs,

v.

JONATHAN R. MILLER, ESQ.,
Counterclaim Defendant,
and
ANDREW ELLNER,
LIGHTBOX VENTURES, LLC, and
LIGHTBOX CAPITAL MANAGEMENT, LLC,
Third Party Defendants.

Plaintiff Jonathan R. Miller, Esq., *pro se*, hereby moves for dismissal of Defendants Brem Moldovsky, Esq. and Brem Moldovsky, LLC's (together, "Moldovsky") counterclaims. The grounds for dismissal are presented at length in the accompanying memorandum of law. In addition, submitted herewith are a certification, exhibits,¹ and proposed order. Oral argument is requested.

¹ The Court may consider public records without converting this motion into one for summary judgment: "To resolve a 12(b)(6) motion, a court may properly look at public records, including judicial proceedings, in addition to the allegations in the complaint." *Southern Cross Overseas Agencies, Inc. v. Wah Kwong Shipping Grp., Ltd.*, 181 F.3d 410, 426 (3d Cir. 1999). "Specifically, a court may take judicial notice of the record from a previous court proceeding between the parties." *Toscano v. Conn. Gen. Life Ins. Co.*, 288 F. App'x 36, 37-38 (3d Cir. 2008).

Respectfully submitted,

Date: August 4, 2021

/s/ Jonathan R. Miller, Esq.
Plaintiff pro se
(PA #201210)

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